

Adopted	Rejected
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COMMITTEE REPORT

YES:	8
NO:	1

MR. SPEAKER:

*Your Committee on Courts and Criminal Code, to which was referred Senate Bill 550, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 anatomical gifts.
- 4 Page 1, between the enacting clause and line 1, begin a new
- 5 paragraph and insert:
- 6 "SECTION 1. IC 6-3-2-21 IS ADDED TO THE INDIANA CODE
- 7 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 8 1, 2007]: **Sec. 21. (a) As used in this section, "deductible expenses"**
- 9 **means unreimbursed travel, housing, lost wages, and other**
- 10 **expenses incurred by an individual in connection with the donation**
- 11 **of a human organ.**
- 12 **(b) As used in this section, "human organ" means all or a part**
- 13 **of the kidney, liver, lung, bone marrow, pancreas, or intestine of a**
- 14 **human body.**
- 15 **(c) As used in this chapter, "individual" means the following:**
- 16 **(1) An individual who donates a human organ for use in**

1 **human organ transplantation.**

2 **(2) An individual whose dependent donates, of the dependent's**
 3 **own volition, a human organ for use in human organ**
 4 **transplantation.**

5 **(d) An individual is entitled to a deduction from the individual's**
 6 **adjusted gross income for the taxable year in which the human**
 7 **organ is donated in an amount that does not exceed the lesser of:**

8 **(1) the individual's deductible expenses; or**

9 **(2) ten thousand dollars (\$10,000).**

10 **(e) To obtain the deduction provided by this section, the**
 11 **individual must file with the department proof of the individual's**
 12 **deductible expenses.**

13 **(f) An individual may claim only one (1) deduction under this**
 14 **section during the individual's lifetime."**

15 Page 1, between lines 9 and 10, begin a new paragraph and insert:

16 "SECTION 4. IC 16-19-3-26 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JUNE 30, 2007]: Sec. 26. (a) The anatomical
 18 gift promotion fund is established. The fund consists of amounts
 19 distributed to the fund by the auditor of state under IC 9-18-2-16.

20 (b) The treasurer of state shall invest the money in the fund not
 21 currently needed to meet the obligations of the fund in the same
 22 manner as other public funds are invested. Interest that accrues from
 23 these investments shall be deposited in the fund.

24 (c) The state department shall administer the fund. Any expenses
 25 incurred in administering the fund shall be paid from the fund.

26 (d) The money in the fund shall be distributed quarterly to the
 27 Indiana Donation Alliance Foundation **and Donate Life Indiana** for
 28 the purpose of implementing an organ, tissue, and marrow registry and
 29 to promote organ, tissue, and marrow donation.

30 (e) The Indiana Donation Alliance Foundation **and Donate Life**
 31 **Indiana** shall keep information regarding the identity of an individual
 32 who has indicated a desire to make an organ or tissue donation
 33 confidential.

34 (f) The Indiana Donation Alliance Foundation **and Donate Life**
 35 **Indiana** shall submit an annual report, including a list of all
 36 expenditures, to the chairperson of the:

37 (1) legislative council;

38 (2) senate health committee; and

(3) house public health committee;
 before ~~January~~ **March** 15. The report must be in an electronic format
 under IC 5-14-6.

(g) Money in the fund at the end of a state fiscal year does not revert
 to the state general fund.

(h) This subsection applies if the Indiana Donation Alliance
 Foundation **or Donate Life Indiana**

~~(1)~~ loses its status as an organization exempt from federal income
 taxation under Section 501(c)(3) of the Internal Revenue Code. ~~or~~
~~(2) ceases its affiliation with at least three (3) of the following~~
~~organizations:~~

~~(A) American Red Cross Tissue Service;~~

~~(B) Children's Organ Transplant Association;~~

~~(C) Community Tissue Services;~~

~~(D) Indiana Lions Eye & Tissue Transplant Bank;~~

~~(E) Indiana Organ Procurement Organization;~~

~~(F) St. Joseph Hospital Tissue Bank and Indiana Cardiac
 Retrieval;~~

The Indiana Donation Alliance Foundation **and Donate Life Indiana**
 shall report in an electronic format under IC 5-14-6 to the chairpersons
 of the senate standing committee, as determined by the president pro
 tempore of the senate, and the house standing committee, as
 determined by the speaker of the house of representatives, that have
 subject matter jurisdiction over health issues. The chairpersons shall
 review the report and recommend to the state department whether to
 continue distributions under subsection (d).

(i) This section expires July 1, ~~2007~~ **2012**."

Page 7, line 14, beginning with "that" begin a new line blocked left.

Page 14, line 41, delete "the probate" and insert "a".

Page 14, line 41, after "court" insert "**with probate jurisdiction**".

Page 15, line 4, delete "probate".

Page 15, line 4, after "court" insert "**with probate jurisdiction**".

Page 15, line 10, delete "probate".

Page 15, line 10, after "court" insert "**with probate jurisdiction**".

Page 15, line 15, delete "probate".

Page 15, line 15, after "court" insert "**with probate jurisdiction**".

Page 18, delete line 20.

Page 18, line 21, delete "attempts in good faith to do so,".

1 Page 18, line 22, delete ", criminal prosecution,".

2 Page 21, line 7, after "period." insert **"It is considered sufficient**
 3 **documentation if the coroner documents that additional time was**
 4 **necessary to conduct an adequate medicolegal examination."**

5 Page 22, between lines 2 and 3, begin a new paragraph and insert:

6 "SECTION 19. IC 35-46-5-1 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) As used in this
 8 section, "fetal tissue" means tissue from an infant or a fetus who is
 9 stillborn or aborted.

10 (b) As used in this section, "human organ" means the kidney, liver,
 11 heart, lung, cornea, eye, bone marrow, bone, pancreas, or skin of a
 12 human body.

13 (c) As used in this section, "item of value" means money, real estate,
 14 funeral related services, and personal property. "Item of value" does not
 15 include:

16 (1) the reasonable payments associated with the removal,
 17 transportation, implantation, processing, preservation, quality
 18 control, and storage of a human organ; ~~or~~

19 (2) the reimbursement of travel, housing, lost wages, and other
 20 expenses incurred by the donor of a human organ related to the
 21 donation of the human organ; **or**

22 **(3) an income tax deduction under IC 6-3-2-21.**

23 (d) A person who intentionally acquires, receives, sells, or transfers
 24 in exchange for an item of value:

25 (1) a human organ for use in human organ transplantation; or

26 (2) fetal tissue;

27 commits unlawful transfer of human tissue, a Class C felony."

28 Page 25, after line 12, begin a new paragraph and insert:

29 "SECTION 24. [EFFECTIVE JULY 1, 2007] **IC 6-3-2-21, as**

1 **added by this act, applies to taxable years beginning after**
2 **December 31, 2007."**

3 Renumber all SECTIONS consecutively.
 (Reference is to SB 550 as printed February 16, 2007.)

and when so amended that said bill do pass.

Representative Hoy